

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WALTER K. CLARK,

Plaintiff,

v.

STATE OF NEVADA,

Defendant.

Case No. 2:22-cv-01260-APG-EJY

ORDER

On August 5, 2022, Plaintiff, an inmate in the custody of the Southern Desert Correctional Center, filed an application to proceed *in forma pauperis* (“IFP”) together with a civil rights complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff’s IFP is incomplete. Plaintiff failed to submit a financial certificate and inmate account statement for the previous six-month period. As such, Plaintiff’s IFP application is denied without prejudice.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period.**

Plaintiff has not submitted all three documents as required.

I. ORDER

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice.

1 IT IS FURTHER ORDERED that Plaintiff is granted a **one time extension** to file a complete
2 IFP application containing all three of the required documents. Plaintiff must file a complete IFP
3 application on or before **September 8, 2022**. Absent unusual circumstances, the Court will not grant
4 any further extensions of time.

5 IT IS FURTHER ORDERED that if Plaintiff is unable to file a complete IFP application with
6 all three required documents on or before **September 8, 2022**, the Court will recommend this case
7 be dismissed without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able
8 to acquire all three of the documents needed to file a complete IFP application.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
10 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
11 with the IFP application. Alternatively, Plaintiff may choose not to file an IFP application and
12 instead pay the filing fee of \$402 on or before **September 8, 2022** to proceed with this case.

13 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court will not
14 file the complaint unless and until Plaintiff timely files a complete IFP application with all three
15 documents or pays the \$402 filing fee.

16 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
17 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
18 information and instructions for filing an *in forma pauperis* application.

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20 DATED this 8th day of August 2022.

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23 ELAYNA J. YOUCHAK
24 UNITED STATES MAGISTRATE JUDGE
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